

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONTE MCCLELLON,

Defendant.

CASE NO. 2:22-CR-00073-LK

ORDER STRIKING PRO SE  
FILING

Defendant Donte McClellon has filed a motion to appoint new counsel and with it, a document he titled a Notice of Appeal. Dkt. No. 275 at 3–4. It is unclear whether Mr. McClellon intended to initiate an appeal or whether he intended the Notice of Appeal to be one of many exhibits he filed in support of his motion to appoint new counsel. *See, e.g., id.* at 1–2 (listing exhibits). If he intended the former, the Court strikes his pro se Notice of Appeal.

As the Court has previously explained to Mr. McClellon, it is not appropriate for him to file documents pro se because he is represented by counsel. Dkt. No. 161 at 2; Dkt. No. 273 at 1–2. His Notice of Appeal is not properly before the Court. *See Krongkiet v. Beard*, 597 F. App'x 416, 417 (9th Cir. 2015) (“[T]he trial court need not entertain [a pro se] motion while [a defendant]

1 remain[s] represented by counsel.” (citing *United States v. Bergman*, 813 F.2d 1027, 1030 (9th  
2 Cir. 1987)); LCrR 62.2 (A represented party “cannot appear or act on his . . . own behalf in that  
3 case, or take any step therein, until after the party requests by motion to proceed on his . . . own  
4 behalf, certifies in the motion that he . . . has provided copies of the motion to his . . . current  
5 counsel and to the opposing party, and is granted an order of substitution by the court terminating  
6 the party’s attorney as counsel and substituting the party in to proceed pro se; provided, that the  
7 court may in its discretion hear a party in open court, notwithstanding the fact that he . . . is  
8 represented by an attorney.”); *see also United States v. Lubers*, No. CR10-103-RAJ, 2019 U.S.  
9 Dist. LEXIS 89096, at \*1–3 (W.D. Wash. May 28, 2019) (striking pro se motions, including a  
10 motion “Requesting a Certificate of Appealability, or Granting Appeal in the 9th Circuit,” filed by  
11 a represented defendant).

12 Accordingly, the Court STRIKES Mr. McClellon’s pro se Notice of Appeal. Dkt. No. 275  
13 at 3–4.

14 Dated this 17th day of April, 2024.

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16 Lauren King  
17 United States District Judge  
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